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Television of Fresno, LLC*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CALEB L. MCGILLVARY,  
Plaintiff,  
  
v.  
NETFLIX, *et al.*,  
Defendants.

Case No. 2:23-cv-01195-JLS-SK

Hon. Josephine L. Staton

**Defendant Sinclair Television of  
Fresno, LLC's Notice of Lodging in  
Support of Motion to Dismiss  
Plaintiff's First Amended Complaint**

Hearing Date: March 29, 2024  
Hearing Time: 10:30 a.m.

Pursuant to Local Rules 5-4.2(b)(1) and 11-5.1, Defendant Sinclair Television of Fresno, LLC ("KMPH"), incorrectly sued as KMPH Fox News, hereby lodges in support of its Motion to Dismiss Plaintiff's First Amended Complaint ("Motion") the following USB drive containing:

1. **Exhibit 1** to the Declaration of Matthew S.L. Cate ("Cate Declaration"), a true and correct copy of a work at issue in this litigation, a video recording posted to YouTube at <https://www.youtube.com/watch?v=-Xa0NfCdLk4>.

3. **Exhibit 3** to the Cate Declaration, a true and correct copy of a work at issue in this litigation, a video recording posted to YouTube at <https://www.youtube.com/watch?v=BrpVI05whIg>.

4. **Exhibit 4** to the Cate Declaration, a true and correct copy of a work at issue in this litigation, a video recording posted to YouTube at <https://www.youtube.com/watch?v=sDxKp22hmBY>.

The USB drive is encrypted. It may be access with the password: *Blue2029!*.

*[signature block on following page]*

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1 Dated: February 16, 2024

**BALLARD SPAHR LLP**

2 By: /s/Matthew S.L. Cate

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**PROOF OF SERVICE**

I am a resident of the State of California, over the age of 18 years, and not a party to this action. My business address is Ballard Spahr LLP, 1909 K Street, NW, 12th Floor, Washington, D.C., 20006-1157.

On February 16, 2024, I electronically filed the foregoing **Defendant Sinclair Television of Fresno, LLC's Notice of Lodging in Support of Motion to Dismiss Plaintiff's First Amended Complaint** with the Court through its CM/ECF system, which will provide notice to counsel of record in this case, and I caused the same to be served, accompanied by a copy of the thumb drive, via U.S. Mail to:

Caleb L. McGillvary  
#1222665/SBI #102317G  
New Jersey State Prison  
P.O. Box 861  
Trenton, NJ 08625

The videos comprising Exhibits 1-4 to the Cate Declaration will also be provided to counsel of record.

Dated: February 16, 2024

/s/ Matthew S.L. Cate  
Matthew S.L. Cate